

March 03, 2016

TO: Mayor and City Council  
Planning Commission  
City Manager

From: Jeffery W. Gibson, Community Development Director

SUBJECT: Community Development Director Action for Following Request(s) for the week  
of **February 29, 2016 – March 03, 2016.**

**MINOR HILLSIDE EXEMPTION:**

**Applicant: Bruce Fryman**

**APPROVED**  
03/01/16

**Case No.: MHE15-00094**

**Location: 3019 Windmill Road**

**Zoning: R-1**

**Summary: Administrative Approval of A Minor Hillside Exemption to allow a detached deck in the rear yard at a two-story residence on property located within the Hillside Overlay District.**

DATE: March 1, 2016  
TO: Jeffery W. Gibson, Community Development Director  
FROM: Planning Division  
SUBJECT: Minor Hillside Exemption (MHE15-00094) – Bruce Fryman

**Case No:** MHE15-00094; Request for an Administrative Approval of a Minor Hillside Exemption to allow a detached deck in the rear yard at a two-story residence on property located within the Hillside Overlay District at 3019 Windmill Road.

**Applicant:** Bruce Fryman

**Location:** 3019 Windmill Rd.

**Zoning:** R-1: Single-Family Residential, Hillside Overlay District

The applicant requests approval of a Minor Hillside Exemption to allow the construction of a new detached rear yard deck. The existing rear yard consists of a level patio varying between 21.5 feet and 18 feet long, terminating at a retaining wall and guardrail. Beyond the guardrail, the natural grade slopes down significantly. The applicant states the reason for the request is to extend the level of the existing patio due to the significant slope of the lot. The plans indicate the proposed 530 sq. ft. deck (42.3' wide by 12.5' long) will be located adjacent to the existing retaining wall extending north, toward the rear property line. According to the plans, the proposed deck will have a 5' and 9.3' setback on the east and west sides, respectively. From the lowest adjacent grade, the deck is proposed to be 11.5 feet high, to the top of the guardrail.

The Minor Hillside Exemption process evaluates potential view, light, air, and privacy impacts to surrounding properties. The applicant was unable to obtain two of the required four signatures from neighboring properties. The property owners of the adjacent residences to the east and west, at 3017 and 3021 Windmill Road, submitted letters (Attachment #1) to the Community Development Department stating their reasons for not signing the plans. Properties to the north are not located within the Hillside Overlay District.

The property owner at 3021 Windmill Rd., submitted a letter to the Community Development Department (received Dec. 30, 2015) indicating it was unclear what impacts may occur, having not reviewed the plans (Attachment #1). Staff followed up with a phone call on January 7, 2016 to explain the plans were available to review at Planning, but was unable to speak with anyone. The applicant also sent a letter with a reduced copy of the plans on February 18, 2016 but neither staff nor the applicants have received a response from the property owners.

Staff visited the neighbor at 3017 Windmill Rd., as they stated concerns with potential negative impacts to privacy, specifically with regard to the rear yard and living areas. As mentioned in the neighbor's letter (Attachment #1), staff observed the north elevation of the residence is comprised largely of windows and sliding glass doors. Staff also observed a balcony along the north elevation, located to the east of the residence, on the third floor. A review of the Planning Commission's approval of Precise Plan 82-11 explains the master bedroom was enlarged by enclosing a portion of the balcony and installing fixed windows and a glass slider along the north elevation. Staff visited the applicant's property and was able to observe the neighbor's balcony with direct sightlines into the applicant's rear yard. Staff also observed a low chain-link fence between both properties. Dense vegetation exists along most of the length of the fence, but terminates a few feet from the edge of the downward slope, allowing sightlines from both properties into each other and neighboring yards.

Staff has determined that the requested rear deck does not appear to create the potential for adverse view, light, air, or privacy impacts to the neighboring properties. The deck would extend the usable space

of the rear patio and provide a better perspective to the north, therefore discouraging views into neighboring rear yards.

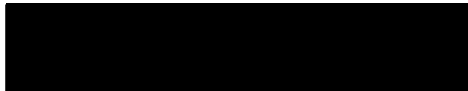
The proposed detached deck, as conditioned, complies with the Permitted Residential Development Section (TMC 91.41.7) subject to the following findings:

1. That the net interior area of the dwelling will not exceed fifty percent (50%) of the area of the lot because the detached rear deck does not propose to increase habitable square footage;
2. That the dwelling will remain two (2) stories and no portion of the roof of the dwelling will be used as a deck, sundeck or patio, and the detached rear yard deck will not extend above the highest roof eave line;
3. That the proposed new detached deck shall not exceed fourteen feet at its highest point as measured from the ground at finished grade; and
4. That the Community Development Director has determined that the proposed development will not have an adverse effect on other properties in the vicinity because the proposed deck will enhance the viewer's perspective of existing mature vegetation and the city skyline to the north and discourage views into adjacent rear yards.

In the judgment of staff, the requested deck does not appear to create the potential for significant adverse view, light, air, and privacy impacts to neighboring properties. The Building and Safety Division will require detailed information regarding the construction method to ensure proper Code Compliance. Therefore, staff recommends approval of this request subject to the following conditions:

1. That if this Minor Hillside Exemption MHE15-00094 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1; (Planning)
2. That the proposed detached deck shall not exceed 11'6" high as measured from the ground at finished grade; (Planning)
3. That the applicant shall obtain all necessary building permits and safety inspections; (Building and Safety)

Prepared by,



Ana Fernandez  
Planning Assistant

Recommended by,

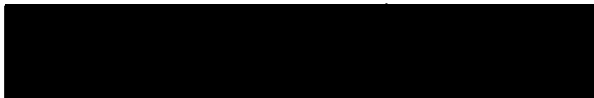


for Gregg D. Loda, AICP  
Planning Manager

Attachments:

1. Correspondence from Neighbors
2. Site Plan, Floor Plan and Elevations

This request for a Minor Hillside Exemption (MHE15-00094) is ✓ APPROVED  
       DENIED per Section 91.41, R-H Hillside and Local Coastal Overlay Zone of the Torrance  
Municipal Code, Division 9.



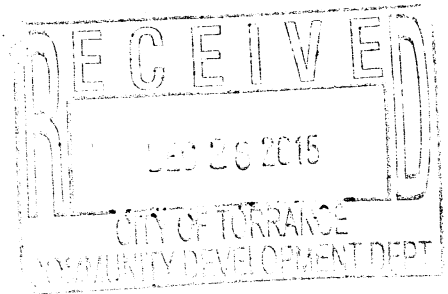
Jeffrey W. Gibson  
Community Development Director

1 Mar 16

Date

Decisions made by the Community Development Director are appealable to the Planning Commission within fifteen (15) calendar days following the above date of approval or denial as per Section 92.30.11 of the Torrance Municipal Code.

LAW OFFICE OF  
DAVID W. CORNWELL  
[REDACTED]  
TORRANCE, CA 90505-7140  
[REDACTED]



December 28, 2015

Gregg Lodan, AICP  
Planning Manager  
City of Torrance  
Community Development Department  
3031 Torrance Blvd.  
Torrance, CA 90503

Re: Minor Hillside Exemption  
3019 Windmill Road  
MHE 15-00094

Dear Mr. Lodan:

Reference is made to your letter dated December 21, 2015, concerning the above-referenced matter.

Please understand at the outset that we vehemently **OPPOSE** the deck proposed to be constructed at 3019 Windmill Road, Torrance, California.

My wife and I have lived at [REDACTED] since February 1976, nearly 40 years. One of the features of our residence's backyard is **PRIVACY** from our adjacent neighbors.


Several months ago, the owner of 3019 Windmill Road erected framework to indicate the outline of his proposed deck and railing. In the deck's proposed location, persons on the deck would be able to look into, not only our backyard, but also into the interior of our residence, which is nearly all glass open to the north. Also, the deck structure will obscure our view to the northwest.

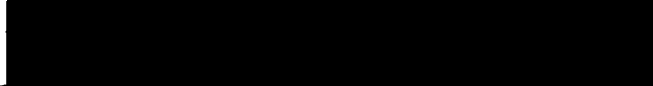
We did not approve the owner's proposed deck construction because of the significant impact on our **PRIVACY** and **property value**.

Some additional issues in this matter need to be considered. First, the owner of the property does not reside on the property and the property has been listed to be leased. Therefore, the owner has no present need for or use of the deck. Secondly, under the Covenants, Conditions and Restrictions recorded against the property, the owner must obtain approval of the deck construction from the HOA before building the deck.

It is requested that the City **DENY** Minor Hillside Exemption: MHE 15-00094 because building the deck would be a **MAJOR** invasion of the **PRIVACY** we've had for nearly 40 years and **negatively impacts our property value.**

It is further requested that the City provide me with written notice of the City's decision in this matter.

Sincerely, 

  
David W. Cornwell, PE, JD  
CAPT, USN (Ret.)

December 28, 2105

City of Torrance  
Attention: Gregg Lodan, AICP, Planning Manager  
Community Development Department  
3031 Torrance Blvd.,  
Torrance, CA 90503

RE: Minor Hillside Exemption, 3019 Windmill Road: MHE15-00094

Dear Mr, Lodan,

In respond to your letter dated December 21, 2015 regarding the construction for the above captioned property address, I have not received (nor reviewed) the plan request for the construction of a detached desk in the rear yard for 3019 Windmill Road, Torrance, CA 90505.

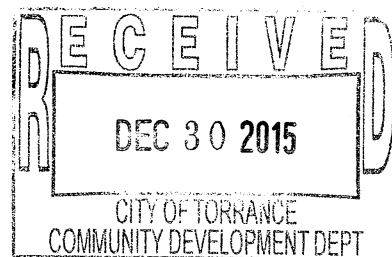
In order to approve the plan request, I need to review and make sure that there is no impact to my property (including the city view from my property) from the construction mentioned above.

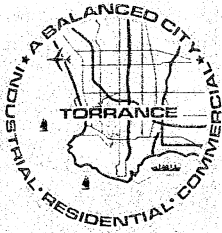
If you have any questions, please contact my sister Sandy Lin at [REDACTED] during business hours for immediate attention. Sandy Lin will be the contact person for any issues relate to the property.

Your immediate attention will be appreciated.

Sincerely,

[REDACTED]  
Terry Lin  
(property owner of [REDACTED] Torrance)  
P. O. Box 3421  
Torrance, CA 90510





# CITY OF TORRANCE

## COMMUNITY DEVELOPMENT DEPARTMENT

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT  
DIRECTOR

DECEMBER 21, 2015

LIN TERRY C  
PO BOX 3421  
TORRANCE, CA 90510

RE: Minor Hillside Exemption; 3019 WINDMILL RD.: MHE15-00094

Your neighbors have filed an application/plan requesting to allow the construction of a 530 square-foot detached deck in the rear yard, at an existing two-story single family residence. The proposed deck is located adjacent to an existing retaining wall, extending north, toward the rear property line. The deck is proposed to be 8 feet above the lowest adjacent grade, with a 42-inch guardrail, for a total height of 11'6". The subject property is located at 3019 Windmill Road, in the R-1 Zone of the Hillside Overlay District.

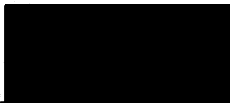
If we receive no written communication from you within ten (10) calendar days from the date of this letter, we will assume that you have no objections to this project. If you submit objections in writing to the Planning Division of the Community Development Department, your concerns will be evaluated by the Community Development Department Staff, based on the guidelines/provisions addressed in the Hillside Overlay Ordinance.

The plans are available at the Community Development Department for review. Please contact our office to confirm receipt of this letter. For further information or assistance, please feel free to contact Ana Fernandez of the Planning Division of the Community Development Department at (310) 618-5990.

Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By

  
Gregg Lodan, AICP  
Planning Manager

Bruce & Li Hua Fryman  
[REDACTED]  
Rancho Palos Verdes, CA 90275

February 16, 2016

Terry Lin  
P. O. Box 3421  
Torrance, CA 90510

Dear Ms. Lin,

We understand from the City of Torrance that you are the owner of [REDACTED] Torrance, CA, which is next door to our property at 3019 Windmill Rd. We have been trying to contact you for several months to seek your agreement that we may proceed to build a deck at ground level behind 3019 Windmill Rd. Most recently, we called again last week and left a message on your answering machine, but have not received any response.

I have attached a schematic drawing of the proposed deck for your reference.

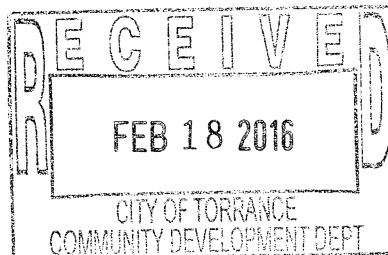
Would you please review this matter and provide your agreement?

Thank you for your consideration.

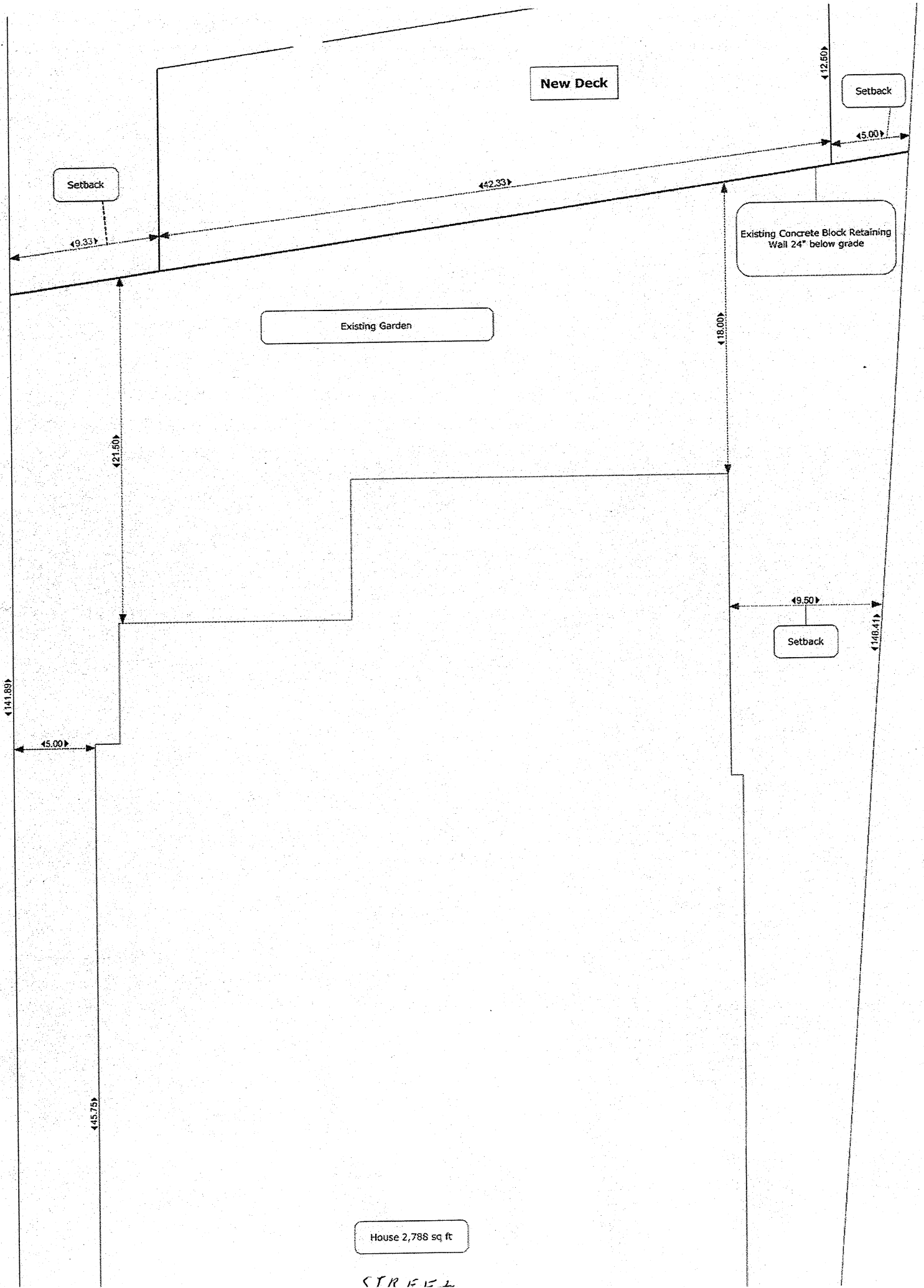
Very truly yours,

[REDACTED]  
Bruce & Li Hua Fryman  
Phone: [REDACTED]  
email: [REDACTED]

✓ cc: City of Torrance, Community Development Dept  
Mr. Greg Lodan, AICP, Planning Manager







New Deck

Setback

Setback

Existing Concrete Block Retaining Wall 24" below grade

Existing Garden

Setback

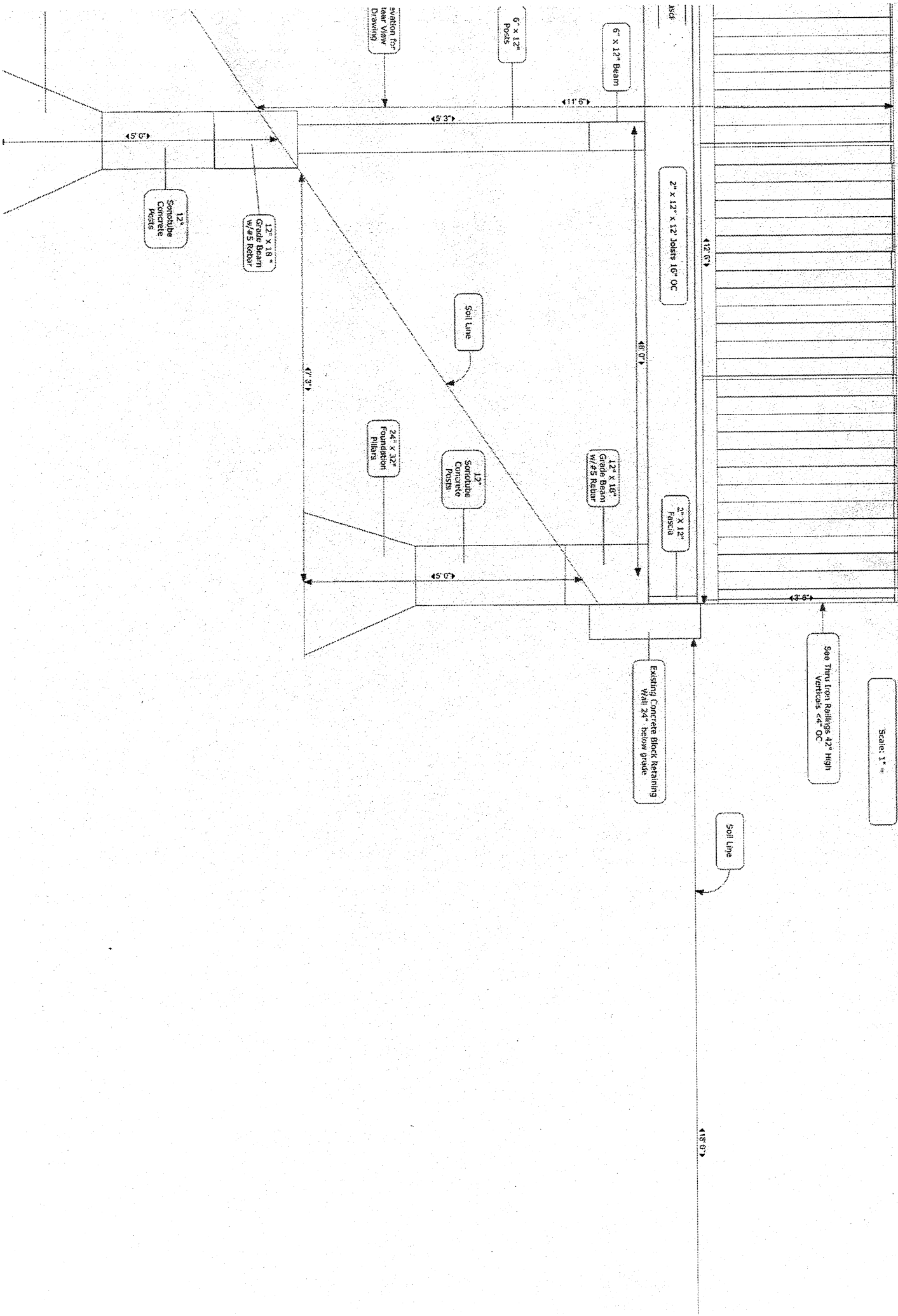
House 2,786 sq ft

STREET

2019 Windmill Rd  
Torrance, CA  
Bruce L. Fryman  
Deck Side View

Scale: 1\* ...

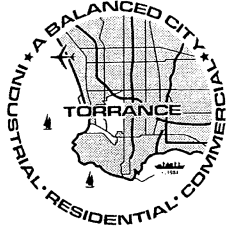
500 Thru Iron Railings 42" High  
Verticals @ 4" OC



# 30719 Windmill Rd.

Aerial Photo Viewing





---

# CITY OF TORRANCE

---

## COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

DECEMBER 21, 2015

LIN TERRY C  
PO BOX 3421  
TORRANCE, CA 90510

RE: Minor Hillside Exemption; 3019 WINDMILL RD.: MHE15-00094

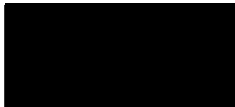
Your neighbors have filed an application/plan requesting to allow the construction of a 530 square-foot detached deck in the rear yard, at an existing two-story single family residence. The proposed deck is located adjacent to an existing retaining wall, extending north, toward the rear property line. The deck is proposed to be 8 feet above the lowest adjacent grade, with a 42-inch guardrail, for a total height of 11'6". The subject property is located at 3019 Windmill Road, in the R-1 Zone of the Hillside Overlay District.

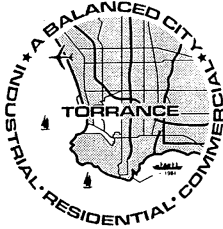
If we receive no written communication from you within ten (10) calendar days from the date of this letter, we will assume that you have no objections to this project. If you submit objections in writing to the Planning Division of the Community Development Department, your concerns will be evaluated by the Community Development Department Staff, based on the guidelines/provisions addressed in the Hillside Overlay Ordinance.

The plans are available at the Community Development Department for review. Please contact our office to confirm receipt of this letter. For further information or assistance, please feel free to contact Ana Fernandez of the Planning Division of the Community Development Department at (310) 618-5990.

Sincerely,

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT DIRECTOR

By   
Gregg Lodan, AICP  
Planning Manager



# CITY OF TORRANCE

## COMMUNITY DEVELOPMENT DEPARTMENT

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT  
DIRECTOR

DECEMBER 21, 2015

CORNWELL DAVID W AND BETTE  
[REDACTED]  
TORRANCE, CA 90505

RE: Minor Hillside Exemption; 3019 WINDMILL RD.: MHE15-00094

Your neighbors have filed an application/plan requesting to allow the construction of a 530 square-foot detached deck in the rear yard, at an existing two-story single family residence. The proposed deck is located adjacent to an existing retaining wall, extending north, toward the rear property line. The deck is proposed to be 8 feet above the lowest adjacent grade, with a 42-inch guardrail, for a total height of 11'6". The subject property is located at 3019 Windmill Road, in the R-1 Zone of the Hillside Overlay District.

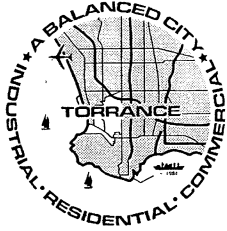
If we receive no written communication from you within ten (10) calendar days from the date of this letter, we will assume that you have no objections to this project. If you submit objections in writing to the Planning Division of the Community Development Department, your concerns will be evaluated by the Community Development Department Staff, based on the guidelines/provisions addressed in the Hillside Overlay Ordinance.

The plans are available at the Community Development Department for review. Please contact our office to confirm receipt of this letter. For further information or assistance, please feel free to contact Ana Fernandez of the Planning Division of the Community Development Department at (310) 618-5990.

Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By [REDACTED]  
Gregg Lodan, AICP  
Planning Manager



# CITY OF TORRANCE

## COMMUNITY DEVELOPMENT DEPARTMENT

**JEFFERY W. GIBSON**  
COMMUNITY DEVELOPMENT  
DIRECTOR

JANUARY 29, 2016

BRUCE & LIHUA FRYMAN  
[REDACTED]

RANCHO PALOS VERDES, CA 90275

RE: Minor Hillside Exemption; 3019 WINDMILL RD.: MHE15-00094

Staff must conduct a site visit at your property in order to accurately assess the proposed rear deck. Please contact Ana Fernandez of the Planning Division of the Community Development Department at (310) 618-5990 to schedule an appointment.

Sincerely,

JEFFERY W. GIBSON  
COMMUNITY DEVELOPMENT DIRECTOR

By

[REDACTED]  
\_\_\_\_\_  
Gregg Lodan, AICP  
Planning Manager